

Application No. 09/706,592
Response to Official Action

May 9, 2006

REMARKS

With respect to sections 2 and 3 of the Official Action, applicant respectfully requests reconsideration of the rejection of claims 16-18, 26, 31-32 and 35 on Grob et al US 5,574,773.

The Grob et al Patent Fails to Teach or Suggest the Limitations of Claim 16

As shown in FIG. 1 of Grob, the terminal equipment 10 (also shown in FIG. 2) is standard known equipment for sending digital commands 110 using standard modem commands. The modem command sent by terminal equipment 10, FIGS. 1 and 2 of Grob, to initiate a call to terminal equipment 50, is described at col. 6, lines 37-43, as follows:

In FIG. 5, terminal equipment 10 initiates a call to terminal equipment 50 by issuing an ATDT command and the phone number of terminal equipment 50, command 300. This command is a standard command under the EIA/TIA/602 document entitled "Data Transmission Systems and Equipment-Serial Asynchronous Automatic Dialing and Control."

(Emphasis Supplied)

It is absolutely clear from the foregoing quoted passage of Grob, that the "ATDT#" command 300, FIG. 5, which the terminal equipment 10, FIG. 2, supplies to the mobile unit 60 (without the use of wireless transmission), is a "standard command under the EIA/TIA/602 document", so as to initiate a call to terminal equipment 50 via telephone network 30 and via modem 40.. Thus, Grob teaches that the standard modem command "ATDT#" is to convey standard modem information to telephone network 30 and modem 40, and explicitly teaches away from claim 16 of the present application, which requires:

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"(a)...sending via wireless transmission a wireless message utilizing a standard modem command selected from a standard modem command format, but substituting for modem information normally associated with the standard modem command in said standard modem command format, wireless network information which is foreign to said standard modem command format, said wireless network information to be utilized concerning the initial establishment of a wireless communication network including the second device; and

"(b) at the second device receiving the wireless message sent via wireless transmission, and taking action based on the wireless network information which is foreign to said standard modem command format, sent by the first device, for the initial establishment of the wireless communication network accommodating wireless network communication including the second device.
(claim 16, Emphasis Supplied)

(1A) The Grob radio link 160 is being used to send a standard modem command "ATDT#" at 308, FIG. 5. The command "ATDT#" at 308, FIG. 5, contains standard modem information, namely the "phone number of terminal equipment 50" (Grob, col. 6, lines 39-40); there is no "sending via wireless transmission a wireless message utilizing a standard modem command" but "substituting for modem information normally associated with the standard modem command in said standard modem command format, wireless network information which is foreign to said standard model command format". (claim 16, subparagraph (a))

(1B) The Official Action at page 3, lines 2-6, seems to assert that the command "ATDT#" actually would have information such as "ATDT 404-555-1212 @ PIN, PASSCODE" and that parameters "CdPN, CgPN, PIN and PASSCODE" are foreign to the standard modem command format, and somehow meet the claims. None of these parameters are mentioned by Grob, and further the parameters if sent at 308, FIG. 5, are clearly being sent to base station 80 after the wireless network has been established at 302, FIG. 5; the alleged parameters "CdPN, CgPN, PIN and PASSCODE" are not "utilized concerning the initial establishment of the wireless communication network" as required by both subparagraphs (a) and (b) of claim 16.

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(1C) Please note the following passage from Grob, col. 6, lines 43-50, which is directly contrary to the assertion in the Official Action at page 3, lines 2-6:

"Mobile unit recognizes the command and initiates a wireless connection over the physical layer with base station 80 using standard Origination Message for transmission, command 302, with no called party number as described in EIA/TIA/IS-95 document entitled "Mobile Station—Base Station Compatibility Standard for Dual-Mode Wideband Spread Spectrum Cellular System."

(2) The command "ATDT#" at 300, FIG. 5, which is sent from terminal equipment 10 to mobile unit 60, is not sent "via wireless transmission". Note the path of the digital data 110 in FIG. 1 is supplied from terminal equipment 10 to modem 20, and is a wire link, and that this same wire link is used in FIG. 2 between terminal equipment 10 and mobile unit 60.

(3) Claim 16, subparagraph (a) further requires:

"said wireless network information to be utilized concerning the initial establishment of a wireless communication network including the second device;"

(3A) Clearly protocol stack 230, FIGS. 3 and 4, of the mobile unit 60 or 62 generates the "wireless network information"; see Grob col. 5, lines 5-8, and the command at 302 in FIG. 5. Once a wireless link 160 is established, the mobile unit 60 or 62 uses the wireless link to send the modem command at 308, FIG. 5, to terminal equipment 50 per the "phone number" given by the "ATDT#" command. (Grob, col. 6, line 39). The ATDT#" has the purpose of advising the telephone network of the phone number being called, and is used as a standard modem command.

(3B) In Appendix A (which was added at page 9 of the specification by the Amendment and Response to Office Action mailed June 9, 2004) of the present

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specification, section 1.1.1.1.2 ATD Command, it is explained that when a radio receives the ATD command it will either create an infrastructured network or join an infrastructured network. In the second line of the table at the bottom of the first page of the Appendix A, the "T" for tone dialing is ignored by the radio. The number NNNNN is used as the network identification for identifying a specific network, which is foreign to the standard purpose of identifying the phone number of the receiving device to be called via the "standard telephone network" (Grob, col. 1, line 17, and col. 6, lines 39-40).

(4) Claim 16, subparagraph (b) requires:

"(b) at the second device receiving the wireless message sent via wireless transmission, and taking action based on the wireless network information which is foreign to said standard modem command format, sent by the first device, for the initial establishment of the wireless communication network accommodating wireless network communication including the second device."

In Grob, the second device "capable of wireless communication" (claim 16, subparagraph (a)), is base station 80. Base station 80 of Grob relays the standard modem command "ATDT#" to the telephone network 30 as analog signal 120 via a wire link which corresponds to the wire link between modem 20 and the telephone network 30 in FIG. 1 of Grob. The base station 80 of Grob does not take action based on "wireless network information which is foreign to said standard modem command format, . . . for initial establishment of the wireless communication network" as per claim 16. The base station 80 receives the standard command "ATDT#" at 308, FIG. 5, after the wireless network has been established (at 302, FIG. 5)!!

Claims 17, 18, 26, 31, 32, 34 and 35 Patentably Distinguish Over Grob

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Claims 17, 18, 26, 31, 32, 34 and 35 patentably distinguish over Grob by virtue of the following underlined limitations as will be fully understood from the foregoing explanation of the patentability of claim 16 over Grob.

Claim 17 (previously presented): A wireless communication system comprising:

- (a) at least one first device capable of wireless communication, for generating at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format; and
- (b) at least one second device capable of wireless communication;
- (c) said network establishment signal being sent via wireless transmission from the first device and being received by the second device, whereby a wireless communication network comprising the first device and the second device is created pursuant to the network establishment signal having said network establishment information which is foreign to said standard modem command.

Claim 18 (previously presented): A method of communicating with a device having a device wireless communication system capable of wireless communication, said method comprising:

- (a) establishing a wireless network including the device wireless communication system by incorporating wireless network establishment information into a standard modem command selected from a standard modem command format where said wireless network establishment information is foreign to said standard

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modem command and is not associated with said standard modem command according to said standard modem command format, and sending to the device wireless communication system the wireless network establishment information incorporated in said standard modem command ; and

(b) after the wireless network including the device wireless communication system has been created pursuant to the wireless network establishment information which is foreign to said standard modem command, effecting communication via the newly created network including the device wireless communication system.

Claim 26 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem being responsive to the network establishment information which is foreign to said standard modem command sent via wireless transmission to become part of a wireless network.

Claim 31 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of

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wireless communication, for processing a network establishment signal having identification information incorporated into a standard modem command selected from a standard modem command format, where said identification information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem receiving the network establishment signal via wireless, and using the identification information which is foreign to said standard modem command to become part of a wireless network.

Claim 32 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having network operation information incorporated into a standard modem command selected from a standard modem command format, where said network operation information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem receiving said at least one control signal via wireless transmission, and being responsive to the network operation information which is foreign to said standard modem command to control its operation as part of a wireless network.

Claim 34 (previously presented): A method of communicating with a device comprising a device wireless communication system capable of wireless communication, said method comprising:

(a) generating at least one control signal having control information incorporated

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into a standard modem command selected from a standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) sending via wireless transmission to the device wireless communication system said control signal having control information incorporated into said standard modem command selected from the standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format; and

(c) at the device wireless communication system responding to the control information incorporated into said standard modem command selected from the standard modem command format to effect a control operation even though said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format.

Claim 35 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having control information incorporated into a standard modem command selected from a standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem receiving said control information via wireless transmission and being responsive to the control

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information which is foreign to said standard modem command to effect a control operation even though said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format.

Claims 22-25, 30 and 33 Patentably Distinguish Over Grob In View Of Monroe

With respect to sections 4 and 5, applicant respectfully requests a reconsideration of the rejection of claims 22-25, 30 and 33 on Grob (US 5,574,773) in view of Monroe (US 6,363,335).

The Official Action states at page 4, lines 2-8:

“As Grob’s mobile sending ATDT (or ATD) modem command to establish a data connection in a wireless network at the time of invention, it would have been obvious to one of ordinary skill in the art to have other AT modem commands taught by Monroe et al. sent by the Grob’s mobile to the base station to establish the wireless network for sending data via wireless communication using modems for the purpose of convenience and saving time and reducing the cost (column 2, lines 15-20, lines 30-35 ‘335).”

The underlined words in the above statement from page 4 of the Official Action, shows a crucial misunderstanding of Grob. As shown in FIG. 5 of Grob, the command “ATDT#” is sent by Grob’s mobile unit 60 at 308, FIG. 5, after the wireless network has been established, “not to establish the wireless network” as stated at page 4 of the Official Action, line 6. The information “ATDT#” at 308 in FIG. 5 is used by the telephone network 30 to set up a connection with terminal equipment 50, FIG. 2, based on the standard meaning of the “ATDT#” command.

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In Monroe, Table 2 at col. 11, the command "ATDnnnnn", for example, is sent from user equipment 1304 to data terminal apparatus 1308 via interface 1306, FIGS. 13A and 13B. Such commands according to Grob, FIG. 5, at 300, are sent from terminal unit 10 to mobile unit 60, and thus both Grob and Monroe teach sending the standard commands via wire link to the first radio, and do not meet the following underlined limitations of claims 22-25, 30 and 33:

Claim 18 (previously presented): A method of communicating with a device having a device wireless communication system capable of wireless communication, said method comprising:

(a) establishing a wireless network including the device wireless communication system by incorporating wireless network establishment information into a standard modem command selected from a standard modem command format where said wireless network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format, and sending to the device wireless communication system the wireless network establishment information incorporated in said standard modem command; and

(b) after the wireless network including the device wireless communication system has been created pursuant to the wireless network establishment information which is foreign to said standard modem command, effecting communication via the newly created network including the device wireless communication system.

Claim 22 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device

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wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a response mode where a response is made via wireless transmission to an incoming wireless message, and to enter a quiet mode where no response via wireless transmission is made to an incoming wireless message.

Claim 23 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a quiet mode where a response is not sent to an incoming wireless message, and to enter a response mode where a response is sent via wireless transmission to an incoming wireless message.

Claim 24 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a text response mode where a text response is made via wireless transmission to an incoming wireless message, and to enter a numeric response mode where a numeric response via wireless transmission is made to an incoming wireless message.

Claim 25 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a numeric response mode where a numeric response is made via wireless transmission to an incoming

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wireless message, and to enter a text response mode where a text response via wireless transmission is made to an incoming wireless message.

Claim 26 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem being responsive to the network establishment information which is foreign to said standard modem command sent via wireless transmission to become part of a wireless network.

Claim 30 (previously presented): A wireless communication system as in claim 26 wherein the network establishment information comprises a network parameter to be used in becoming part of the wireless network

Claim 32 (previously presented): A wireless communication system comprising:

(a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having network operation information incorporated into a standard modem command selected from a standard modem command format, where said

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network operation information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) said device wireless communication subsystem receiving said at least one control signal via wireless transmission, and being responsive to the network operation information which is foreign to said standard modem command to control its operation as part of a wireless network.

Claim 33 (previously presented): A wireless communication system as in claim 32 wherein the network operation information comprises an awake time value to be used during operation in connection with the wireless network.

The modem which is preferably part of data terminal apparatus 1308 is described at col. 3 of Monroe (6,363,335), lines 43-47, as preferably a "standard GSM modem", so that applicant understands the commands shown in FIG. 13B at 1336 and 1352, and in FIG. 13C, at 1360 and 1368, such as "ESTABLISH LINK", to be standard SMS (GSM Short Messaging Service) commands – see col. 4, lines 9-12. Thus Monroe teaches the use of commands in the command set utilized for a typical modem, and teaches that the standard commands are to have their standard meaning, directly teaching away from the present invention!

With respect to all the claims as now presented, Monroe teaches that the Hayes type commands 1332, FIG. 13B and 1356, FIG. 13C are transmitted via link 1306, FIG.

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13A, which is disclosed as a "serial data interface" at col. 3, lines 40-43, and specifically an RS-232 lines, col. 6, lines 57-65; see also col. 7, lines 13-18, and col. 16, lines 46-48. Thus Monroe does not make Grob relevant to claims 22-25, 30 and 33.

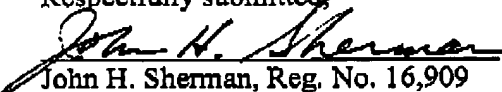
GENERAL AUTHORIZATION UNDER 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to charge the cost of any claim fees that may be required to deposit account 09-0471. The Patent and Trademark Office is hereby authorized to treat this or any future reply, requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time. The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 to deposit account 09-0471.

CONCLUSION

An earnest effort has been made to fully respond to the Official Action, and a favorable consideration and allowance of each of the claims as now presented is respectfully solicited.

Respectfully submitted,



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Enclosure: Petition for a Two-Month Extension of Time of Two Pages .